

**Town of Turner, Maine
Planning Board Minutes
January 20, 2021**

1 CALL TO ORDER

Called to order at 6:01 pm by Mr. Bill Bullard, Chairman. Those Members present were, Mr. Bill Bullard, Ms. Shirley Twitchell, Brian Emmons, Mr. R. Edward Morris and Mr. Richard Lee. Those Absent Donny Hinkley. John Cleveland, Town Planner and Mr. Kurt Schaub, Town Manager were also present.

2. VERIFICATION OF QUORUM

Mr. Bill Bullard stated that there were 6 Board Members in attendance which constitutes a Quorum.

3. PLANNING BOARD MINUTES FROM December 20, 2020.

Mr. Emmons made a motion to accept the December 20, 2020 minute and seconded by Mr. Lee (6 ayes)

4. PUBLIC HEARING:

None

5. OLD BUSINESS

Adult Use Marijuana Sale and Cultivation

Mr. Cleveland reviewed the updates he made to the proposed Ordinance. Mr. Cleveland reviewed the changes requested at the last meeting. He removed outdoor cultivation to reflect that the Town will only allow indoor cultivation and changed the proposed Ordinance through out to ensure the same is reflected. He also added in language that states if a sale or change of ownership is made the new owner must come in front of the Board for approval. This will also be for businesses changing locations.

The proposed Ordinance will allow for up to 10 stores total with a sub cap of 4 allowed for Adult Use. Mr. Bullard questioned on if they should look into having the requirements like the current Spirits requirement and if the business chooses to move the location of the business they would have to forfeit the license and have it go back into the lottery. He stated that he could see an issue with a “monopoly” with businesses being able to sell the license if they are able to move their business. Mr. Emmons questioned on how the Board would handle an owner looking to move to a bigger place. He doesn’t know what would be better for the Town he can see both sides on the situation. Mr. Cleveland stated that if the business has to forfeit their license, they would not be able to operate. This could cause some issues down the road.

Ms. Twitchell stated her concern is that with only 4 licenses allowed they would be giving a lot of power to those who won the lottery and by controlling the transfer of locations may help stop businesses from buying and selling their businesses to be able to move to different locations.

Mr. Cleveland stated that there is language in the Ordinance that states that if you have a license you must be in operation for 6 months out of the year you cannot just have a license to hold.

Mr. Cleveland also has language that states that there are also caps in the Ordinance but explains on if an Adult Use would like to forfeit their license to Medical Marijuana.

Attorney Norman Rattey gave some feedback on the language that helps better explain between Adult Use Marijuana to Medical Marijuana. The Board discussed on how to better word the Ordinance to explain the same. The Board has drafted an Ordinance to only allow 10 total Storefronts with up to 4 being allowed to be Adult Use. Mr. Cleveland stated that he put in language to help be able to cap with the total amount of storefronts in both the Adult Use and Medical Marijuana. They added language that states that an exchange from Adult Use to Medical Marijuana can only happen as long as there is not an increase the number of licenses.

Mr. Schaub stated that he would like to see the language in the Ordinance state that the Applicant must have a licensed/permitted from the Municipal Officers before March 31, 2021. Mr. Cleveland stated that the Municipal Officers will have an Opening date and Closing date for applications to be received to be considered for the Lottery for Adult Use licenses.

The Applicant must also be qualified in order to be considered for an Adult Use License. He also has included that the Applicant must also submit a floor plan that depicts north on the plan. Mr. Lee stated that the Board should put in language that states the Applicant to submit a drawing to scale vs. a sketch.

The Board discussed the setbacks from safe zones and from daycares, schools and churches. The distance is measured from the structure not the boundary line.

Mr. Cleveland corrected the language to state that an applicant can only have one license in Turner. They can still have a license in another Town if the State permits the same.

Mr. Bullard questioned if a business would be able to be an Adult Use Store with a Medical Marijuana grow at the same time and did not know if the Board should look into clearly defining the same. The State does not allow for an applicant can have a license for both Adult Use and Medical Marijuana.

Mr. Cleveland stated that he did put in a clause within the Ordinance that would grandfather all operating businesses but no new licenses will be issued if there are more than 10 permitted businesses. Mr. Cleveland stated that he drafted this keeping in mind that at the time this Ordinance is adopted those who have licenses before March 31, 2021. If there are more Storefronts no new licenses will be issue until the number is below 10 other than exchanges.

Mr. Morris questioned on if a Business is sold if the Applicant would need come back to the Planning Board for approval. It was discussed that the Applicant would only need to come back to Board if they move locations. Where the Findings of Fact has already been approved by the Board there would be no need for the Applicant to come to the Planning Board they would only need to go to the Select Board for a license renewal or if there is a change of ownership.

Mr. Cleveland stated that he did not specify in detail the steps needed in order to apply for a license. This has been done to help the Town better adjust the procedure as needed.

The Board further reviewed the specifications and the requirements.

Mr. Cleveland reviewed the current Zoning Ordinance in the Town. He suggested that the Board look into adjusting some of those ordinances as needed and adopt the same into the new drafted Ordinance. This would eliminate the current Medical Marijuana Ordinance.

Mr Morris made a motion to hold a Public Hearing for Adult Use and Medical Marijuana Stores, Cultivation Facilities and Testing Facilities on February 17, 2021 at 6:00 pm and it was seconded by Mr. Lee

6. New Business

None

7. Other Business

Matterhorn Apothecary

Mr. Schaub stated that he was recently contacted by Ronnie Horn questioning on if they would be able to open a portion of their business while they work to get the rest of their businesses built. She has made modifications that would allow for limited retail to be used until they are able to build out the remainder of their plan. They would like to have a temporary sketch that will be submitted to the CEO Officer and the lighting and security is properly in place. If the Board agrees they will be able to get a license for a temporary retail space for the time being.

Mr. Bullard stated that that where the building has already gone through site plan review so where the building is already standing. For Medical Marijuana they must have the proper lighting, security and video surveillance.

The Board discussed that the Applicant submit a plan as an amendment or as a new plan to ensure that all the businesses are being treated equally. Where this a decrease in the space they are utilizing. Mr. Schaub was concerned on how the security, lights and camera. This will ensure that all the proper guidelines have been followed per the Ordinance. The Board decided the Applicant should submit an amendment to their plan and have the Board vote in the same and allow for a condition that will require them to come in for an expansion at a later time.

8. REPORTS

None

9. PUBLIC COMMENTS

None

10. ADJOURNMENT

Mr. Lee made a motion for adjournment and it was seconded by Mr. Youland and the Board unanimously accepted. The meeting adjourned at 8:35 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.